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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ERIN KUHN-BROWN,

Plaintiff,

v.

DWIGHT NEVEN, et al.,

Defendants.

Case No. 2:19-cv-01140-RFB-MDC

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND OTHER
DEADLINES**

(FIFTH REQUEST)

Plaintiff, ERIN KUHN-BROWN, by and through her attorney of record, Lawrence J. Semenza, Esq., of the law firm of Lawrence J. Semenza, Ltd., and Defendants, by and through their Attorney of Record, Aaron D. Ford, Nevada Attorney General, and Leo T. Hedges, Senior Deputy Attorney General, hereby file their fifth joint application to extend the discovery cut off period and other deadlines in this case, pursuant to LR II 26-4. The present cut-off date is October 16, 2024, 21 days before discovery ends.

On September 25, 2024, Leo T. Hedges, Esq., Senior Deputy Attorney General, filed his Notice of Change of Deputy Attorney General, assuming responsibility for representing the interests of the Defendants in place of Deputy Attorney General, Janet E. Traut, Esq.

I. INITIAL DISCLOSURES

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1 This case is an Inmate case and Initial Disclosures were not specifically ordered, the
2 parties agreed that they will exchange initial disclosures within thirty (30) days of October 5,
3 2023.

4 The Initial Disclosures included the medical records of Plaintiff from the date of the
5 incident in 2018, through January 9, 2022, in Defendants' possession.

6 Plaintiff received the Defendants' disclosures on November 2, 2023. These included over
7 1000 pages of medical records.

8 **II. DISCOVERY COMPLETED**

9 1. Plaintiff received most, but not all, of the medical records from numerous medical
10 providers, and on March 11, 2024, Plaintiff received additional medical records for the period
11 January to March 1, 2024.

12 2. Plaintiff served Plaintiff's First Request for Production of Documents on August 12,
13 2024, and Plaintiff received Defendants' responses on September 11, 2024.

14 3. Defendants, on October 7, 2024, by mail served written discovery on Plaintiff, which
15 included: Rena Pena's First Request for Admissions and First Set of Interrogatories; Ray Oliver's
16 First Set of Interrogatories; Tammy Otero's First Request of Admissions. Plaintiff's responses are
17 due on November 12, 2024.

18 4. Defendants anticipate serving additional written discovery and possibly deposing the
19 Plaintiff.

20 **III. DISCOVERY TO BE COMPLETED**

21 1. Plaintiff has reviewed the documents provided in Defendants' response to Plaintiff's
22 Request for Production, and has commenced communication regarding a Meet and Confer to
23 resolve a discovery dispute with Mr. Henges.

24 2. Plaintiff intends to request additional written discovery requesting additional documents
25 with additional request for production of documents and tangible items in the possession of the
26 Defendants, and schedule a sight inspection of the Warehouse.

1 3. Plaintiff intends to serve Defendants with Requests for Admission and Interrogatories.
2 4. Plaintiff has not but intends to schedule depositions of Defendants and of incarcerated
3 witnesses.
4 5. Medical experts have not yet been chosen to review the Plaintiff's medical records.
5 Likewise, determination has not yet been made to engage an expert regarding the safety of the
6 operation of the warehouse where Plaintiff was injured .

7 **IV. REASONS WHY THE DISCOVERY REMAINING WAS NOT
8 COMPLETED WITHIN THE TIME LIMIT SET BY THE JOINT
9 DISCOVERY AND SCHEDULING ORDER**

10 Counsel has been working diligently to adhere to the current discovery deadlines, but
11 with new Counsel, Leo T. Henges, entering his appearance on September 25, 2024, and being
12 unfamiliar with the case, his trial schedule will pose a delay in participating in discovery.
13 Counsel has still encountered difficulty in communicating with the client who is incarcerated
14 which makes communication difficult. Obtaining medical records has been more difficult, but
15 with the cooperation of Defendants' counsel has now been resolved. Counsel's trial calendar and
16 deadlines in other cases has also led to a delay in completing the discovery.
17

18 The deadline for designating Experts was extended to September 9, 2024, and it is still
19 unknown if Expert medical testimony will be necessary, as well as safety engineers will be
20 required to assess the working conditions and safety issues regarding the unsafe working
21 conditions that the Plaintiff was subjected to.
22

23 The parties intended for the discovery to be completed within the existing discovery
24 period, but counsel for the parties agree the current expert deadline is insufficient in time to
25 retain and disclose their experts. Accordingly, the parties have agreed to continue the discovery
26 and expert disclosure deadlines an additional one hundred twenty (120) days.
27

28 **V. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

	Existing Deadlines	Proposed Deadlines
Close of Discovery	November 6, 2024	March 6, 2025
Amend Pleadings/Add Parties	August 8, 2024	Expired
Initial Expert Disclosures	September 9, 2024	Expired
Rebuttal Expert Disclosures	October 9, 2024	Expired
Dispositive Motions	December 6, 2024	April 7, 2025

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DATED this 15th day of October 2024

LAWRENCE J. SEMENZA, LTD.

/s/ Lawrence J. Semenza

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 3753 Howard Hughes Parkway, Suite 200
 Las Vegas, Nevada 89169

Attorneys for Plaintiff

DATED this 15th day of October 2024

AARON D. FORD
 ATTORNEY GENERAL

/s/ Let T. Hedges

Leo T. Hedges, Bar No. 16034
 Senior Deputy Attorney General
 1 State of Nevada Way Suite 100
 Las Vegas, NV 89119

Attorneys for Defendants

ORDER

IT IS HEREBY ORDERED:

The discovery cut off is extended from November 6, 2024, to March 5, 2025, in which all discovery in this action shall be completed;

IT IS FURTHER ORDERED:

All pre-trial motions, including but not limited to, discovery motions, motions to dismiss and motions for summary judgment shall be filed and served no later than thirty (30) days after the close of discovery, which is April 7, 2025;

The Joint Pre-Trial Order in the above-captioned action shall be filed with this Court no later than thirty (30) days after the date set for filing dispositive motions, which shall be January 6, 2025;

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended for 30 days after decision on the dispositive motions or further court order; and

The last day for the parties to file their Motion and/or Stipulation to Extend discovery shall be twenty (21) days prior to the discovery cut off, which is February 13, 2025.

IT IS SO ORDERED this 16th day of October 2024.

Submitted by:

Hon. Maximiliano D. Couvillier III
United States Magistrate Judge

LAWRENCE J. SEMENZA, LTD.

/s/ Lawrence J. Semenza

LAWRENCE J. SEMENZA, ESQ.

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